

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

BANK OF THE WEST

PLAINTIFF

vs.

Case No.: 4:19-cv-252 - JM

ACCURATE BORING COMPANY; et al.

DEFENDANTS

CONSENT JUDGMENT

Now comes before the Court for consideration Plaintiff's Verified Complaint for Replevin and for Money Damages against Accurate Boring Company and David H. Thornton, and the parties having submitted the matter to the Court as a consent judgment in all respects, the Court does find that Plaintiff Bank of the West is entitled to judgment on all Counts of the Complaint.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

(a) That Bank of the West is awarded judgment against Accurate Boring Company and David H. Thornton, jointly and severally, in the amount of Three Hundred Eighty-Five Thousand One Hundred Thirty-Six and 86/100 Dollars (\$385,136.86), less payments, if any, that have been made to the Plaintiff thus far in the amount of \$49,000.00, for a total Final Judgment of \$336,136.86, plus post-judgment interest on all such amounts at the statutory rate until paid;

(b) That Bank of the West is entitled to the immediate possession of (i) the Yanmar ViO55 Mini-Excavator Serial Number 60813; (ii) the Ditch Witch JT9 Directional Drill Serial Number CMWJT9XXLG0000323; (iii) the Ditch Witch 3020AT Directional Drill Serial Number CMWJ30ATHB0000298; and (iv) the Ditch Witch FM13 Mixing System Serial Number DWPFM13CJ0000508, w/TK RECON4 TRACKER: 8389526, TD RECON DISPLAY: 8406477, T153 BEACON: 8409701, TK RECON1 TRACKER: 8395316, TD RECON1 DISPLAY:

8406478, 17T1 BEACON: 8408929 (collectively, the “Equipment”) to the extent same has not been previously sold by agreement of the parties;


(c) That Defendants or any persons in possession on behalf of Defendants are ORDERED to deliver the Equipment to Bank of the West within five (5) days of the entry of this Consent Judgment;

(d) That should Defendants or any person in possession of the Equipment fail or refuse to deliver the Equipment to Bank of the West within five (5) days following the entry of this Consent Judgment, the United States Marshall Service shall pick up and deliver the Equipment to Bank of the West;

(e) That Bank of the West may file a motion for attorneys’ fees pursuant to Rule 54(d)(2) no later than 14 days after the entry of this Consent Judgment; and

(f) That all writs allowed by law for the collection of the judgments awarded herein shall issue hereon without further application to this Court.

IT IS SO ORDERED this 23rd day of September, 2020.



HONORABLE JAMES MOODY, JR.
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

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